

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Arlington, VA 22202, on the date appearing below.

ELI LILLY AND COMPANY

By Linda M. Dunbin

Date February 21, 2002



**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s)	:	Chirgadze et al.	)	
			)	
Serial No.	:	09/897,645	)	Group Art Unit:
Filed	:	June 29, 2001	)	1633
For	:	Use of <i>Streptococcus Pneumoniae</i>	)	
		Acyl Carrier Protein Synthase	)	
		Crystal Structure in Diagnostics,	)	
		Antimicrobial Drug Design, and	)	
		Biosensors	)	
Docket No.	:	X-13948	)	Examiner:
			)	Unknown

**RESPONSE TO NOTICE TO FILE MISSING PARTS  
OF NONPROVISIONAL APPLICATION**

Assistant Commissioner for Patents  
Box Missing Parts  
Arlington, VA 22202

Sir:

This is in response to the "Notice to File Missing Parts of Nonprovisional Application" (Notice) dated September 21, 2001 in connection with the above-identified application, noting the absence of a declaration from the papers filed with the above-identified application, and requiring substitute drawings and a Sequence Listing. The due date for response to this Notice has been extended three (3) months up to and including February 21, 2002.



In response to the Notice, enclosed herewith are:

- 1) a copy of the Notice;
- 2) a declaration under 37 C.F.R. 1.63 by the Applicants in this application;
- 3) two substitute drawing sheets containing Figures 1 and 2 (one sheet), and Figure 7 (one sheet);
- 4) an initial computer readable form (CRF) copy of the Sequence Listing;
- 5) an initial paper copy of the Sequence Listing;
- 6) an amendment directing entry of the Sequence Listing into the application;
- 7) a statement under 37 C.F.R. 1.821(f) that the content of the Sequence Listing information recorded in computer readable form is identical to the written (paper) Sequence Listing, and includes no new matter

Regarding the requirement for substitute drawings, Applicants note that the basis therefor is that the drawing sheets submitted at the time of filing of the present application do not have the appropriate margins.

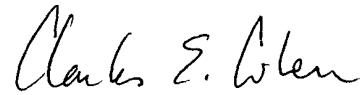
Applicants have reviewed the drawings as originally filed, and believe that only substitute sheets for Figures 1 and 2, and Figure 7, are required: Figures 3-6 and 8-9 appear to comply with the margin requirements set forth under 37 C.F.R. 1.84(g). Therefore, only substitute sheets for Figures 1 and 2, and Figure 7, are submitted herewith.

Please charge Deposit Account No. 05-0840 in the amount of \$130 for the surcharge required under 37 C.F.R. 1.16(e). The Assistant Commissioner is hereby authorized to charge any additional fees which may be required by this Response, or credit any overpayment, to Deposit Account No. 05-0840. An original and two copies of this paper are enclosed.



If the Examiner has any questions, or would like to discuss any matters in connection with the present application, the Examiner is invited to contact the undersigned at (317) 433-4983.

Respectfully submitted,



Charles E. Cohen, Ph.D.  
Attorney for Applicants  
Registration No. 34,565  
Phone: 317-433-4983

Eli Lilly and Company  
Patent Division/CEC  
Lilly Corporate Center  
Indianapolis, Indiana 46285

21 February 2002

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Type a plus sign (+) inside the box → Approved for use through 09/30/00. OMB 0651-0032  
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEB 26 2002 FEE TRANSMITTAL FEB 26 2002

Note: Effective November 30, 1998.

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$1,050.00)

METHOD OF PAYMENT (check one)

1.  The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 05-0840

Deposit Account Name Eli Lilly and Company

X Charge Any Additional Fee  Charge the Issue Fee Set in 37 CFR 1.18 at the Mailing of the Notice of Allowance1.17 2.  Payment Enclosed: Check  Money Order  Other

## FEE CALCULATION

## 1. FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. CLAIMS		Extr a	Fee from below	Fee Paid
Total Claims		-20**=	<input type="checkbox"/> X 18	= <input type="checkbox"/>
Independent Claims		-3**=	<input type="checkbox"/> X 84	= <input type="checkbox"/>
Multiple Dependent Claims (first time)			<input type="checkbox"/> 280	= <input type="checkbox"/>

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim
109	84	209	42	Reissue independent claims over original patent
110	18	210	9	Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge-late filing fee or oath & Sequence Listing	130
127	50	227	25	Surcharge-late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	920
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive-unavoidable	
141	1,280	241	640	Petition to revive-unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design Issue Fee	
144	620	244	310	Plant Issue Fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt.	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify)					
Other fee (specify)					
*Reduced by Basic Filing Fee Paid					
SUBTOTAL (3) (\$)					1,050

SUBMITTED BY

Typed Name Charles E. Cohen

Signature Charles E. Cohen

Complete (if applicable)

Reg. Number 34,565

Date 21 February 2002

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner of Patents, Arlington, VA 22202, on the date appearing below.

ELI LILLY AND COMPANY

February 21, 2002

By Linda M. Durbin

Date



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/897,645	06/29/2001	Nicholas Chirgadze	X-13948

FEB 26 2002

ELI Lilly and Company  
 Lilly Corporate Center  
 Patent Division DC: 1104  
 Indianapolis, IN 46285

CL

Due - 11-21-01

CONFIRMATION NO. 9746

## FORMALITIES LETTER



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SEP 28 2001

ELI LILLY AND CO.  
 PATENT DIVISION

Date Mailed: 09/21/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

## FILED UNDER 37 CFR 1.53(b)

## Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the *Federal Register* at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the

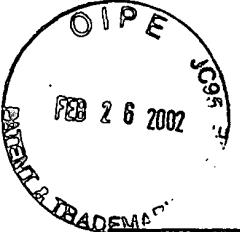
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02 FC:105

"Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**For questions regarding compliance to these requirements, please contact:**

- 
- For Rules Interpretation, call (703) 308-4216
  - To Purchase PatentIn Software, call (703) 306-2600
  - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center  
Initial Patent Examination Division (703) 308-1202  
PART 1 - ATTORNEY/APPLICANT COPY

0 1 2 3 4 5 6 7 8 9  
OCTOBER - DECEMBER  
2002